

HOUSE BILL 227

E2

11r0439
CF SB 115

By: **Delegates Waldstreicher, Afzali, Anderson, Barkley, Barve, Cardin, Carr, Dumais, Frush, Gilchrist, Glenn, Huckler, Kach, A. Kelly, Kipke, Lee, McComas, Morhaim, Reznik, Smigiel, Valderrama, and Washington**

Introduced and read first time: January 28, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Abuse or Neglect of Animals~~ Animal Abuse, Neglect, or**
3 **Cruelty – Sentencing Conditions of Probation**

4 FOR the purpose of authorizing a court, as a condition of ~~sentencing~~ probation for
5 certain violations concerning ~~the abuse or neglect of animals~~ animal abuse,
6 neglect, or cruelty, to prohibit a certain defendant from owning, possessing, or
7 residing with an animal ~~for a certain period~~; and generally relating to animal
8 abuse, neglect, or cruelty.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–604 and 10–606
12 Annotated Code of Maryland
13 (2002 Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 10–604.

18 (a) A person may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (1) overdrive or overload an animal;
- 2 (2) deprive an animal of necessary sustenance;
- 3 (3) inflict unnecessary suffering or pain on an animal;
- 4 (4) cause, procure, or authorize an act prohibited under item (1), (2), or
5 (3) of this subsection; or
- 6 (5) if the person has charge or custody of an animal, as owner or
7 otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient
8 quantity, necessary veterinary care, proper drink, air, space, shelter, or protection
9 from the weather.

10 (b) (1) A person who violates this section is guilty of a misdemeanor and
11 on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding
12 \$1,000 or both.

13 (2) As a condition of sentencing, the court may*

14 ~~(H)~~ order a defendant convicted of violating this section to
15 participate in and pay for psychological counseling; ~~AND.~~

16 ~~(H)~~ **(3) AS A CONDITION OF PROBATION, THE COURT MAY**
17 **PROHIBIT A DEFENDANT ~~CONVICTED OF VIOLATING THIS SECTION~~ FROM**
18 **OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL ~~FOR A SPECIFIED PERIOD~~**
19 **~~OF TIME.~~**

20 10-606.

21 (a) A person may not:

- 22 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an
23 animal;
- 24 (2) cause, procure, or authorize an act prohibited under item (1) of this
25 subsection; or
- 26 (3) except in the case of self-defense, intentionally inflict bodily harm,
27 permanent disability, or death on an animal owned or used by a law enforcement unit.

28 (b) (1) A person who violates this section is guilty of the felony of
29 aggravated cruelty to animals and on conviction is subject to imprisonment not
30 exceeding 3 years or a fine not exceeding \$5,000 or both.

31 (2) As a condition of sentencing, the court may*

1 ~~(H)~~ order a defendant convicted of violating this section to
2 participate in and pay for psychological counseling; ~~AND.~~

3 ~~(H) (3)~~ AS A CONDITION OF PROBATION, THE COURT MAY
4 PROHIBIT A DEFENDANT CONVICTED OF VIOLATING THIS SECTION FROM
5 OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD
6 OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.